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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,875	09/18/2006	Tak Wing Lam	PA030018	9565
24498	7590	09/21/2011	EXAMINER	
Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			QUADER, FAZLUL	
			ART UNIT	PAPER NUMBER
			2164	
			NOTIFICATION DATE	DELIVERY MODE
			09/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/566,875

Applicant(s)

LAM ET AL.

Examiner

FAZLUL QUADER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-9 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-9 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-832)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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DETAILED ACTION

1. In view of the Appeal Brief filed on 21 June 2011, PROSECUTION IS HEREBY REOPENED. The rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

Response to Amendment

2. Claims 1-9 are pending in this application.
3. Examiner acknowledges applicant's amendment on 12/08/2010.
4. Claims 1, 3-6 and 8-9 have been amended on 12/08/2010.
5. Applicant's arguments filed 06/21/2011, with respect to claims 1-9 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Objection to Claims

6. Claim 8 is being objected to for using the language "adapted for" in line 3. This should be replaced by "configured for".
7. Claim 9 is being objected to for using the language "adapted to" in line 2. This should be replaced by "configured to".

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 1, line 3, recites “the physical position”. It is unclear what **the** physical position is intended to refer.

11. Claim 1, line 4, recites “the content”. It is unclear what **the** content is intended to refer.

12. Claim 1, line 12, recites “the content database”. It is unclear what **the** content database is intended to refer.

13. Claim 2, line 2, recites “a content database”. It is unclear what **a** content database is intended to refer.

14. Claim 2, line 3, recites “the distance”. It is unclear what **the** distance is intended to refer.

15. Claim 3, line 2, recites “a plurality of signatures”. It is unclear what **a** plurality of signatures is intended to refer.

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16. Claim 3, line 4, recites “a plurality of elements”. It is unclear what **a** plurality of elements is intended to refer.

17. Claim 4, line 2, recites “a plurality of signatures”. It is unclear what **a** plurality of signatures is intended to refer.

18. Claim 4, line 3, recites “the elements”. It is unclear what **the** elements is intended to refer.

19. Claim 8, line 14, recites “a signature ”. It is unclear what **a** signature is intended to refer.

20. Claim 8, line 1, recites “and/or”. The applicant needs to choose only one option.

Claim Rejections – 35 USC § 112

21. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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22. Claim 1-9 is rejected under 35 U.S.C. 112, first paragraph, for failing to contain a written description of a “removable optical disk” in the specification.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 1-9 of the application (effective filing date: Feb. 02, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. (US 6516337; date of patent: Feb. 04, 2003), hereinafter “Tripp”, in view of Mourad et al. (US 20030135464; pub. date: Jul. 17, 2003), hereinafter “Mourad” and further in view of Wright et al. (US 20050055578; filed: Jul. 21, 2004) hereinafter “Wright”.

25. As to claim 1, Tripp discloses, a method implemented in an apparatus form reading from removable optical disk, the file system indicating the physical position of the content on the removable optical disk (col. 5, lines 9-29), including the steps of:

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Upon insertion of an removable optical disk into the apparatus, determining a signature of the removable optical disk by measuring features based on a data pattern stored on the removable optical disk, the signature including a plurality of elements (col. 5, line 66 to col. 6, line 17, digital signature or meta files are stored);

retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database (col. 5, lines 14-18, each object reference is a pointer which specified a location; col. 7, lines 42-52).

Tripp, however, does not explicitly disclose comparing the signature with a plurality of signatures stored in a content database; and

Wright, however, discloses comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]).

Wright and Tripp are of the same field of endeavor, they specifically teach digital signature as method of identifying document (Tripp: col. 7, lines 42-52; Wright: [0013]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Wright into Tripp of content sending to a central indexing meta data or signatures from objects on a computer network that would have allowed users of Tripp to determine whether the message has not been

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altered during distribution by comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]).

Tripp also does not explicitly disclose, “the signature is equal to a signature stored in the content database”.

Mourad, on the other hand, discloses, “the signature is equal to a signature stored in the content database” ([0218], lines 1-14);

Wright, Tripp and Mourad are of the same field of endeavor, they specifically teach digital signature as method of identifying document (Tripp: col. 7, lines 42-52; Mourad: ([0218], lines 1-14; Wright: [0013]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Mourad into Tripp as modified by Wright that would have allowed users of Tripp to determine whether the message has not been altered during distribution (Mourad: [0218], lines 12-14).

26. As to claim 2, Tripp as modified discloses, method according to claim 1, wherein the step of comparing the signature with a plurality of signatures stored in a content database includes evaluating the distances between the determined signature and the signatures stored in the content database (Tripp: col. 7, lines 28-35).

27. As to claim 3, Tripp as modified discloses, method according to claim 1, wherein the steps of determining the signature of the removable optical disk and comparing the signature with a plurality of signatures include: determining a first part of the signature including a plurality of elements (Tripp: col. 6, lines 3-12); comparing the first part of the signature with corresponding parts of the plurality of signatures stored in the content database (Tripp: col. 7, lines 28-35); determining a further part of the signature if the first part of the signature is equal to the corresponding part of at least one signature stored in the content database (Tripp: col. 7, lines ; and comparing the further part of the signature with corresponding parts of the plurality of signatures stored in the content database (Tripp: col. 7, lines 35-52; col. 51, lines 49-52).

28. As to claim 4, Tripp as modified discloses, method according to claim 1, wherein, in the comparing steps, a negative progressive search approach is employed, in which the elements of the determined signature are compared with the corresponding elements of the signatures stored in the content database one at a time (Tripp: col. 7, lines 28-35), wherein a negative search result is concluded if there is no match between one element of the signature and the same element of all the signatures stored in the content database (Tripp: col. 7, lines 28-35; col. 7, lines 56-62).

29. As to claim 5, Tripp as modified discloses, method according to claim 1, further including the steps of: obtaining the file system from the removable optical disk if the

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determined signature is not equal to a signature stored in the content database (Tripp: col. 7, lines 28-35); and storing the obtained file system and the determined signature in the content database (Tripp: col. 7, lines 28-35; col. 1, lines 57-60).

30. As to claim 6, Tripp as modified discloses, method according to claim 1, wherein the signature is unique for every removable optical disk (Tripp: col. 54, lines 23-25).

31. As to claim 7, Tripp as modified discloses, method according to claim 1, wherein the signature elements are selected from the disk status such as open or closed disk, number of sessions or number of tracks in each session, from timing information such as the lead-in time of each session, the lead-out time of each session, the total time of each session or subcode information of each track, or from data integrity such as data checksums of specific tracks (Tripp: col. 1, lines 57-60; col. 6, lines 53 to col. 7, line 2)

32. As to claim 8, the claim can be rejected for the same reason as claim 1. In addition, Tripp as modified discloses, a removable apparatus for reading from and/or writing to an optical disk wherein the apparatus includes at least one element adapted for retrieving a file system of the optical disk, the file system indicating the physical position of the content on the optical disk (Tripp: col. 5, lines 9-29)),

Mourad discloses, determining a signature of the optical disk by measuring features based on a data pattern stored on the optical disk, the signature including a

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plurality of elements; comparing the signature with a plurality of signatures stored in a content database; and Retrieving the associated file system indicating the physical position of the content on the optical disk from the content database if the signature is equal to a signature stored in the content database (col. 5, lines 14-18, each object reference is a pointer which specified a location; col. 7, lines 42-52; [0218], lines 1-14);

Wright discloses comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]).

Mourad discloses, "the signature is equal to a signature stored in the content database" ([0218], lines 1-14);

33. As to claim 9, the claim is rejected for the same reason as claim 1. In addition, Mourad discloses the contents can be played back and playback quality can be checked. (Mourad: [0270], lines 1-8).

Response to Arguments

34. Applicant's arguments filed 06/21/2011, with respect to claims 1-9 have been fully considered but they are not persuasive, for examiner's response see discussion below.

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As for claim rejections under USC 103, the applicant argues that Tripp's method is not implemented in an apparatus for reading from removable optical disks. Furthermore, Tripp's method is not performed upon insertion of an optical disk into the apparatus. Tripp does not mention or even suggest optical disks or other types of optical media.

Examiner responds by mentioning that Tripp discloses a computer readable medium to be **a CDROM (col. 8, lines 9-12)**; local storage media that includes all types (col. 13, lines 61-62), Wright discloses removable client devices and reconnecting them in paragraph [0128]. Mourad in paragraph [0625] discloses removable storage including removable disk.

The applicant further argues that Tripp does not appear to be concerned about the physical position of the files on the recording medium - this task is the responsibility of the operating system to match the logical position to the physical position.

The examiner responds by saying that Tripp discloses retrieving the associated file system indicating the physical position of the content on the removable optical disk from the content database (**col. 5, lines 14-18, each object reference is a pointer which specifies a location or address where the object may be found, here the location or address indicates the physical position of the object**).

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Tripp discloses digital signatures in col. 7, lines 42-53. Tripp further discloses comparing of digital signatures in col. 16, lines 45-63.

In addition, Mourad discloses the scenario where “the signature is equal to a signature stored in the content database” ([0218], lines 1-14);

As for the response for the dependent claims, please see the respective dependent claims for the response.

Contact Information

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FAZLUL QUADER/
Primary Examiner, Art Unit 2164